



**BUILDING AND STANDARDS COMMISSION
MINUTES
PANEL 1**

**REGULAR MEETING
Date: March 23, 2016**

The Building and Standards Commission (BSC) convened for a regular meeting on Wednesday, August 26, 2015 at City Hall, Chamber Room, Room 1001, 301 W. 2nd Street, Austin, Texas.

Commission Members in Attendance:

Charles Cloutman, Chair; Jessica Mangrum, Vice Chair; Melissa Orren; John Green; John McIntyre; Abraham Cohen; Wordy Thompson; Andrea Freiburger and Ashley Holmes

Staff in Attendance:

Christopher Moore, Building & Standards Commission Coordinator; Marcus Elliott, Division Manager; Robin Harris, Assistant City Attorney; Dan Cardenas, Assistant Director; Merlinda Coleman, Program Specialist; Edgar Hinojosa, Assistant Division Manager; Chris Maldonado Investigator; Anthony McBryde, Investigator; Luther Perez, Investigator; Robert Alvarado, Assistant Division Manager; Alicia Tovar, Investigator; Matthew Noriega, Assistant Division Manager; Moses Rodriguez, Investigator; Manuel Villegas, Assistant Division Manager; Todd Wilcox, Assistant Division Manager and Hilda Martinez, Investigator.

CALL TO ORDER

Chair Charles Cloutman called the Commission Meeting to order at 6:40 p.m.

1. CITIZEN COMMUNICATION: GENERAL

No General Citizen Communication

2. PUBLIC HEARINGS

Commission Coordinator Christopher Moore presented the following cases:

A. New Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
a. CL 2016-011375	621 Gunter Street	Louis & Rosanne Garcia

The property located at 621 Gunter Street is an unoccupied single-family residential structure. The property was represented by the owners' mother Alicia Garcia. Staff's recommended order included demolition within 45 days, and if compliance not achieved within 45 days of the date the order is mailed to the owner, a fine of \$250 would begin to accrue.

Chair Charles Cloutman admitted Staff's Exhibit 1 and 2A through 2J.

Commission Member Abraham Cohen made a motion to accept Staff's Findings of Fact and Conclusions of Law as set out by the proposed order, which was seconded by Vice-Chair Jessica Mangrum. The vote carried on a 7-0-0 vote.

b. CL2016-013361	3212 Bouleware Drive	Carlota Castillo & Juan Torres
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The property located at 3212 Bouleware Drive is a single-family residential structure. The case was represented by Jesse Solis, a family member of the owner. Because Staff failed to produce the supporting documentation for the case at the hearing, the case was not heard.

c. CL 2016-027094	6218 Big Horn Circle	Frank Bauer
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The property located at 6218 Big Horn Circle is a single-family residential structure. The property was represented by the owner's daughter Michelle Angel. Staff's recommended order included: securing permits; restoration and maintenance of utilities within 14 days. If compliance is not met, occupants should vacate and relocate within 48 hours, and structure to remain

vacant until compliance is met. The owner is to come into compliance within 45 days, and if not met, a penalty of \$500 per week would begin to be assessed. The recommended order also included enforcement of order by a peace officer and that the City may file a lien for any expenses incurred.

Chair Charles Cloutman admitted Staff's Exhibit 1 and 2A through 2Q.

Commission Member Andrea Friberger made a motion to adopt Staff's Findings of Fact and Conclusions of Law; and the recommended order with modifications to: 1) correct typographical error in paragraph 4 and 2) remove language in Item 10 to demolish the structure. The motion was seconded by Commission Member Ashley Holmes. The vote carried on a 7-0-0 vote.

B. Returning Cases

<u>Case Number</u>	<u>Street Address</u>	<u>Owner</u>
a. 2014-105655	1808 Walnut Avenue	Asmahan S. Rasool

This case was pulled from the agenda.

b. 2015-015481	2412 E. 11th Street	Robert Moore
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The property located at 2412 E. 11th Street is a vacant, single-family residential structure. The case was represented by the owner and his son Jerome Moore. This case came before the Commission in March 2015 and a repair order was issued at that time. The repairs were never made and penalties have been accruing. Code's current recommendation is that the Commission replace the existing order with an order to include demolition within 45 days, and if compliance is not achieved within 45 days of the date the order is mailed, a fine of \$250 per week would begin to accrue.

Chair Charles Cloutman admitted Staff's Exhibit 1 and 2A through 2P.

Commission Member Andrea Friberger made a motion to close the hearing, accept Staff's Findings of Fact and Conclusions of Law, and adopt the recommended order with the exception of forgiving the \$7260 fine accrued from the original order, and was seconded by Commission Member Ashley Holmes.

A friendly amendment was made by Chair Charles Cloutman authorizing the City to carry out the demolition on an expedited basis, seconded by Vice-Chair Jessica Mangrum. The friendly amendment was accepted by Commission Member Andrea Friberger. The vote carried on a 6-1-0 vote.

A second friendly amendment was offered by Chair Charles Cloutman to fence the property until the structure is demolished, the cost to be borne by the homeowner via a lien on the property, seconded by Abraham Cohen. The friendly amendment was accepted by Commission Member Andrea Friberger. The vote carried on a 6-1-0 vote.

The original motion with the two friendly amendments was voted on by the Commission and carried on a 6-1-0 vote.

c. 2014-000374	1409 Newning Avenue	Jim & Donna Misthos
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The property located at 1409 Newning Avenue is an unoccupied, single-family residential structure. The case was represented by the new owners, Jim & Donna Misthos. Prior to the sale of the house, the BSC issued a repair order that was subsequently modified to reduce the penalties by \$6000. The new owners, who are currently remodeling the house, asked the Commission to stop accrual of the penalties and retroactively forgive the penalties from the date of the purchase of the property.

Staff recommended that the Commission leave the existing order in place and take no action at this time. Exhibit 1 and Exhibit 2A through 2D were admitted as evidence by Chair Charles Cloutman.

Commission Member Andrea Friberger made a motion to close the hearing and modify the existing order by removing all fines back to December 30, 2015 the date of inspection and when compliance was confirmed, and to remove the pending violations because compliance had been achieved, i.e., pool enclosure and underpinning opening. The motion was seconded by Commission Member Abraham Cohen. A friendly amendment was made by Vice-Chair Jessica Mangrum to remove all fines back to December 15, the date of closing. The amendment was accepted by Vice-Chair Jessica Mangrum and Commission Member Cohen. The vote carried on a 7-0-0 vote.

d. 2012-107198	2300 Jenibeth Lane	Gerald Duisberg
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The property located at 2300 Jenibeth Lane is an unoccupied residential property. The case was represented by the owner, Gerald Duisberg. The owner made this fourth appearance at his own request and at the direction of the Commission subsequent to an order for repairs in January 2013; a demolition order in August 2015 for non-compliance; and a plea in January 2016 by the

owner for a stay of the demolition. Staff recommended that the existing order be replaced with an order that includes, but is not limited to, repair within 45 days, and if not complied with, demolition by the City.

Chair Charles Cloutman admitted the Property Owner's Exhibit 1, i.e., Owner's Financial Information, into evidence. Chair Charles Cloutman also admitted Code's Exhibit 1 and Exhibit 2A through 2X.

Commission Member Andrea Frieberger made a motion to close the public hearing. Vice-Chair Jessica Mangrum made a motion, seconded by Commission Member Ashley Holmes, to adopt the proposed Findings of Fact and Conclusion of Law; and to issue an order that included repairs to be within 45 days and, if not verified within that timeframe, penalties would increase to \$500 per week. Further, if compliance was not achieved within 90 days, the City could move forward with demolition of the structure. A friendly amendment was made by Commission Member Andrea Frieberger that if compliance was achieved within 45 days, the civil fine would be reduced by the amount of the home repairs as shown by receipts. The amendment was accepted by Vice Chair Jessica Mangrum and Commission Member Ashley Holmes, and carried on a 7-0-0 vote. The original motion also carried on a 7-0-0 vote.

e. 2015-015433

1148 Webberville Road

Kata Homes, Inc.

1148 Webberville Road is a returning case for non-compliance with a previous order. The case was represented by the new owner, Kurt Thiemer. An order was issued in July 2015 for repair or in lieu of repair, demolition, and, if not in compliance after 60 days, penalties would begin to accrue until compliance was achieved. The property was subsequently sold, the property was demolished by the new owner in December prior to closing however the property remains out of compliance with accrued penalties of \$6,071.43. The demolition permit has been reopened. Code requested that the existing order remain in place.

Commission Member Melissa Orren moved to close the public hearing. Co-Chair Jessica Mangrum admitted Exhibits 1 and 2A through 2K into evidence. Chair Charles Cloutman made a motion to take no action at this time, seconded by Commission Member Ashley Holmes. Motion carried on a 7-0-0 vote.

f. 2016-014620

4502 Sherwyn Drive

Johnie Jean Sims

4502 is a returning case that was not represented. The BSC issued an order for repair in 1998. In 2012, the owner was issued a citation for failure to comply with the Order. The owner subsequently paid the fine but has not complied with the Order to date. Penalties have been accruing from the 1998 order with a current balance of \$223,071.43. Code has been unsuccessful when attempting to discuss the matter with the owner.

Staff recommended that the existing order be replaced with an order that included a civil penalty of \$223,071.43; cease the accrual of new penalties based on the prior order. With 45 days, owner is to secure permits; demolish structure and verify compliance. If compliance is not met within 45 days, Code is to proceed with demolition, and assess expenses against property.

Chair Charles Cloutman also admitted Code's Exhibit 1 and Exhibit 2A through 2T

Vice Chair Jessica Mangrum made a motion to adopt the proposed Findings of Fact and Conclusions of Law as set out in the proposed order with no changes. Commission Member John McIntyre seconded the motion. The vote carried on a 7-0-0 vote.

C. Update Cases

a. Case Number	<u>Street Address</u>	<u>Owner</u>
2015-098835	1124 Rutland Drive, Bldg. 1	NAHC Cross Creek Apartments, LLC
2015-088845	1124 Rutland Drive, Bldg. 2	NAHC Cross Creek Apartments, LLC
2015-098847	1124 Rutland Drive, Bldg. 3	NAHC Cross Creek Apartments, LLC
2015-098850	1124 Rutland Drive, Bldg. 4	NAHC Cross Creek Apartments, LLC
2015-098853	1124 Rutland Drive, Bldg. 5	NAHC Cross Creek Apartments, LLC
2015-098854	1124 Rutland Drive, Bldg. 6	NAHC Cross Creek Apartments, LLC
2015-098857	1124 Rutland Drive, Bldg. 7	NAHC Cross Creek Apartments, LLC
2015-098861	1124 Rutland Drive, Bldg. 8	NAHC Cross Creek Apartments, LLC
2015-098864	1124 Rutland Drive, Bldg. 9	NAHC Cross Creek Apartments, LLC
2015-098869	1124 Rutland Drive, Bldg. 10	NAHC Cross Creek Apartments, LLC

2015-098870	1124 Rutland Drive, Bldg. 11	NAHC Cross Creek Apartments, LLC
2015-098871	1124 Rutland Drive, Bldg. 12	NAHC Cross Creek Apartments, LLC
2015-098874	1124 Rutland Drive, Bldg. 13	NAHC Cross Creek Apartments, LLC
2015-098877	1124 Rutland Drive, Bldg. 14	NAHC Cross Creek Apartments, LLC
2015-098880	1124 Rutland Drive, Bldg. 15	NAHC Cross Creek Apartments, LLC
2015-098881	1124 Rutland Drive, Bldg. 16	NAHC Cross Creek Apartments, LLC
2015-098885	1124 Rutland Drive, Bldg. 17	NAHC Cross Creek Apartments, LLC
2015-098886	1124 Rutland Drive, Bldg. 18	NAHC Cross Creek Apartments, LLC
2015-098837	1124 Rutland Drive, Main Office	NAHC Cross Creek Apartments, LLC

The property, 1124 Rutland, Cross Creek Apartments, was represented by Attorney Mitchell Zoll. Updates were provided by Attorney Mitchell Zoll and Code Inspector Hilda Martinez. The update included status of funding, district court directives, plumbing project, temperature measurements, permits, existing violations and repairs being made. Penalties to date are \$65,071.43.

3. DISCUSSION

A. Report on the Repeat Offenders Program

Division Manager Todd Wilcox made a presentation to the Commission on the Repeat Offender Program (ROP).

4. FUTURE AGENDA ITEMS

No future agenda items were identified.

5. ADJOURNMENT

Vice Chair Jessica Mangrum moved to adjourn the meeting. Commission Member Ashley Holmes seconded the motion. Chair Charles Cloutman adjourned the Commission Meeting at 10:41 pm.